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Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Mail Stop: Amendment

on April 14, 2005:

By: Ann Massey

Ann Massey

Attorney Docket No.: 0179.210US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Juha Punnonen, et al.

Application No.: 09/886,942

Filed: June 21, 2001

For: **NOVEL CHIMERIC PROMOTERS**

Examiner: Leffers Jr., Gerald G.

Art Unit: 1636

**REVOCATION OF POWER OF
ATTORNEY OR AUTHORIZATION
OF AGENT AND CHANGE OF
CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: Amendment

Dear Sir:

I hereby revoke all powers of attorney previously given and hereby appoint the following attorneys and agents to prosecute this application and to make alterations and amendments therein. Each of the following attorneys and agents has full power of substitution and revocation:

Norman J. Kruse, Reg. No. 35,235

Sharon M. Fujita, Reg. No. 38,459

Margaret A. Powers, Reg. No. 39,804

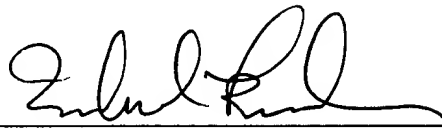
Joanne R. Petithory, Reg. No. 42,995

The undersigned has reviewed all the documents in the chain of title, and to the best of the undersigned's knowledge, title of this application is in the name of Maxygen, Inc. **Please direct all future correspondence in connection with this application to:**

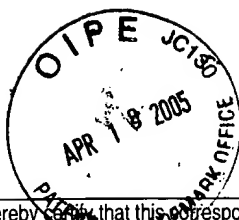
**Attorney for Applicants
MAXYGEN, INC.
515 Galveston Drive
Redwood City, CA 94063
(650) 298-5300 (telephone)
(650) 298-5446 (facsimile)**

April 13, 2005

Respectfully submitted,

By: 

Michael S. Rabson
General Counsel and Senior Vice President
MAXYGEN, INC.



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Commissioner for Patents
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In re application of:

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Examiner: Leffers Jr., Gerald G.

Art Unit: 1636

Application No.: 09/886,942

Filed: June 21, 2001

For: **NOVEL CHIMERIC PROMOTERS**

**COMMUNICATION REGARDING
IMPROPER FILING OF
ERRONEOUS POWER OF
ATTORNEY AND CHANGE OF
CORRESPONDENCE ADDRESS
BY A THIRD PARTY IN THE
INSTANT APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: Amendment

Dear Sir:

Applicants hereby inform the USPTO that several erroneous documents, including at least two erroneous Revocations of Power of Attorney (with Change of Correspondence Address) and at least two erroneous Statements Under 37 CFR 3.73(b) have been improperly filed in the instant application USSN 09/886,942 by a third party who is not the assignee of this application.

The instant application USSN 09/886,942, which is assigned to Maxygen, Inc., is entitled "Novel Chimeric Promoters" and was filed on June 21, 2001. The first named inventor is Juha Punnonen. The correct customer number associated with the instant application is **Customer No. 30560. Customer No. 30560 identifies the correct practitioners and correct correspondence address for the instant application.**

It appears that the law firm of Townsend and Townsend and Crew LLP ("Townsend") mistakenly submitted on behalf of its client, OpenWave Systems, Inc., a Revocation

of Power of Attorney (with a change of correspondence address) and a Statement Under 37 CFR 3.73(b) on November 11, 2004 and February 5, 2005 in the instant application. The documents submitted by Townsend on behalf of OpenWave Systems inadvertently included an incorrect serial number, which is identical to the serial number of the instant application. Notably, the documents submitted by Townsend referred to a different application (entitled "Subscriber Delivered Location Based Services), a different filing date (July 7, 2004), a different lead inventor (David A. Hose), a different art unit (2681), an attorney who is not of record in the instant application (Melvin Chan), a different attorney docket number, and a different Customer Number.

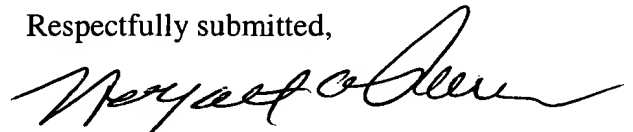
On March 3, 2005, the USPTO mailed a Notice of Acceptance of this erroneously entered Power of Attorney and change of correspondence address to Townsend. Applicants' attorney, Margaret Powers (the undersigned), learned of this error on April 12, 2005. According to the USPTO's Public PAIR system, the erroneous documents submitted by Townsend have been improperly entered in the instant application USSN 09/886,942.

Applicants and Applicants' assignee, Maxygen, Inc. respectfully request that these improperly entered documents be expunged from Applicants' file.

Nevertheless, to ensure that Applicants' attorneys and correct correspondence address are properly made of record again in the instant application, Applicants also submit herewith a new Revocation of Power of Attorney and Change of Correspondence Address and a Statement Under 37 CFR 3.73(b).

If there are any questions regarding this matter, please contact the undersigned at (650) 298-5809.

Respectfully submitted,



Margaret A. Powers
Reg. No. 39,804

April 14, 2005
Maxygen, Inc.
Intellectual Property Department
515 Galveston Drive
Redwood City, CA 95063
Telephone: 650-298-5809
Facsimile: 650-298-5446
Customer No.: 30560



UNITED STATES
PATENT AND
TRADEMARK OFFICE
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DEC 11 2001

NOVEMBER 29, 2001

PTAS
LAW OFFICES OF JONATHAN ALAN QUINE
EMILY M. HALIDAY
P.O. BOX 458
ALAMEDA, CA 94501

~~LAW OFFICES OF~~
~~JONATHAN ALAN QUINE~~
Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov



101858742A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/18/2001

REEL/FRAME: 012194/0322
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
PUNNONEN, JUHA

DOC DATE: 08/08/2001

ASSIGNOR:
WRIGHT, ANNE

DOC DATE: 08/27/2001

ASSIGNOR:
SEMYONOV, ANDREY

DOC DATE: 08/14/2001

ASSIGNEE:
MAXYGEN, INC.
515 GALVESTON DRIVE
REDWOOD CITY, CALIFORNIA 94063

SERIAL NUMBER: 09886942
PATENT NUMBER:

FILING DATE: 06/21/2001
ISSUE DATE:

COPY

012194/0322 PAGE 2

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

COPY

09-28-2001



Attorney Docket No. 02-031910US

FORM PTO-1595
(Rev. 6-93)

101858742

Sheet

U.S. Department of Commerce
Patent and Trademark Office

To the Honorable Asst. Commissioner for Patents. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Juha Punnonen, Anne Wright, Andrey Semyonov

Additional name(s) of conveying parties attached

3. Nature of conveyance:

☒ Assignment ☐ Merger☐ Security Agreement ☐ Change of Name☐ Other:Execution Dates: August 8, 2001, August 27, 2001 and
August 14, 2001

2. Name and address of receiving party(ies)

Name: Maxygen, Inc.

Internal Address:

Street Address:

515 Galveston Drive
Redwood City, CA 94063 USA

Additional names and addresses attached? No

COPY

4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/886,942
Additional numbers attached? No

B. Patent No(s):

5. Name and address of party to whom correspondence
concerning document should be mailed:

Name:

Law Offices of Jonathan Alan Quine
P.O. Box 458
Alameda, CA 94501
(510) 337-7871

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): -----\$40.00

☐ Enclosed ☒ X Charge Fees to Deposit AccountX Charge any additional fees associated with this paper or during
the pendency of this application, or credit any overpayment, to
deposit account.

8. Deposit account number: 50-0893

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the
original document.*Emily M. Haliday
Name of Person Signing

Atty Reg. No. 38,903

Signature

Date

Total number of pages including cover sheet, attachments and document 4

10. Change Correspondence Address to that of Part 5? ☒ Yes ☐ No

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover to:

Asst. Commissioner for Patents
Box: Assignments
Washington, D.C. 20231

09-28-2001 101858742 00000111 500893 09886942

09-28-2001 40.00 01

COPY

Attorney Docket No.: 02-031910US
Client Reference No.: 0179.210US

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, Juha Punnonen, of 1506 Pine Knoll Drive, Belmont, California/94002 USA, Anne Wright of 15600 Skyline Blvd., Woodside, CA 94062 USA, and Andrey Semyonov of 763A 33rd Ave., San Francisco, CA 94121, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

JOINT
736A (AS) 8/14/01

Title of Invention: NOVEL CHIMERIC PROMOTERS

Filing Date: June 21, 2001

Application No.: 09/886,942 ; and

WHEREAS, Maxygen, Inc., a corporation, located at 515 Galveston Drive, Redwood City, CA 94063 USA, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and which claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

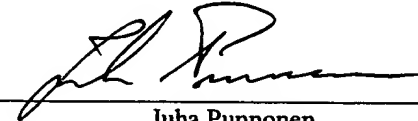
Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

COPY

Assignment
Application No.: 09/886,942
Page 2

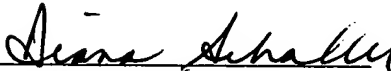
IN TESTIMONY WHEREOF, Assignors have signed his/her name on the date indicated.

Dated: 8/8/01

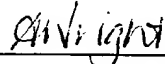

Juha Punnonen

SIGNATURE WITNESSED BY:

(1) Date: 8/8/01


Signature of Witness 1

Dated: 8/27/01

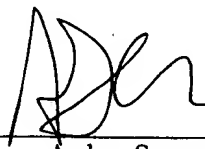

Anne Wright

SIGNATURE WITNESSED BY:

(1) Date: 8/27/01

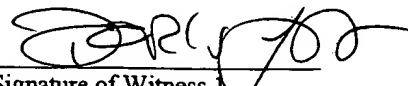

Signature of Witness 1

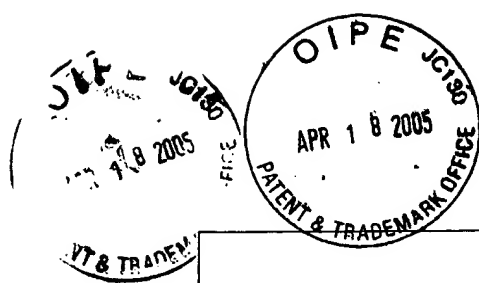
Dated: 8.14.1


Andrey Semyonov

SIGNATURE WITNESSED BY:

(1) Date: 8/14/01


Signature of Witness 1



STATEMENT UNDER 37 CFR 3.73(b)

Applicant: Juha Punnonen, et al.

Application No.: 09/886,942

Filed: June 21, 2001

Entitled: Novel Chimeric Promoters

Maxygen, Inc.

, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012194, Frame 0322.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

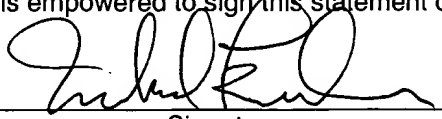
1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

April 13, 2005
Date


Signature

Michael S. Rabson
Typed or printed name

General Counsel & Senior
Vice President
Title